IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 231 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GARASIA GIRIRAJSINH AKHUBHA

Versus

STATE OF GUJARAT

Appearance:

MS BINODA GAJJAR for Petitioner

MR ND GOHIL APP for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 19/06/2001

ORAL JUDGEMENT

#. The appellant-accused has filed this appeal against the judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, Surendranagar in Sessions Case No.19 of 1990 whereby the learned Judge

acquitted the accused for the offences under Section 307, 396, 397 and 506(2) of IPC, however, he convicted the accused for the offence under Section 324 of IPC and sentenced him to suffer R.I. for one year and to pay a fine of Rs.1,500/=, in default to further undergo six months imprisonment. He has also ordered that if the fine is paid by the accused then out of the same Rs.1,000/= be paid to the complainant by way of compensation.

#. The impugned order of conviction and sentence was passed by learned Judge on 15.1.1991. From the facts of the case, it appears that same was challenged by way of this appeal which was filed late after the expiry of period of limitation. Therefore, an application was filed to condone the delay in filing the appeal late. Delay was condoned on 2.4.1992. Thereafter this appeal was admitted on 10.7.1992 by the learned Single Judge of this court, but there is no order of releasing the accused on bail during the pendency and final disposal of the appeal.

#. Initially, this appeal was filed by Ms.Binoda Gajjar, who has now become APP for the State therefore, she could not appear in the matter. Under the circumstances, when this matter was placed before my learned Brother Justice H.H.Mehta on 22.3.2001 notice was ordered to be issued to the appellant to appear before this court for making necessary arrangement for appearance in person or through the choice of his advocate. But nobody has appeared so far.

#. The incident in question alleged to have taken place way back in 1990 the accused is convicted and sentenced for one year R.I. and to pay fine of Rs.1,500/= in default to further undergo six months imprisonment by order dated 15.1.1991. This appeal was admitted only on 10.7.1992. By now the accused must have undergone the sentence and perhaps because of that only he is not appearing before this court. Under the circumstances, this criminal appeal has become infructuous and accordingly same is disposed of.

(B.J.Shethna, J.)

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